

Serial No.: 10/657,862

Page 5 of 7

REMARKS

This response is intended as a full and complete supplemental response to the final Office Action mailed October 13, 2005 and the Advisory Actions mailed January 13, 2006 and March 13, 2006. In the Office Action, the Examiner notes that claims 1, 3, 4, 9 and 30-32 are pending and rejected. In view of the Affidavits under 37 C.F.R. §1.131 and 37 C.F.R. §1.132 submitted herewith, and the following discussion, Applicants submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of the pending claims are now in allowable form.

A Petition to Accept an Unintentionally Delayed Claim for Priority is submitted herewith. Applicants respectfully request entry of this amendment and acceptance of the priority claim.

REJECTIONS**AFFIDAVITS UNDER 37 C.F.R. §1.131 AND 37 C.F.R. §1.132**

The Examiner has rejected claims 1, 3-4, 9 and 30-32 under 35 U.S.C. §102(a) as being anticipated by Doerr et al. 'Cross-connect-type wavelength add-drop node with integrated bank muxes, interleavers, and monitor' Doerr et al., Optical Society of America, 23-28 March 2003, p. PD33-1-3 vol. 3 of 3 vol. (v1+82+138) pp. 6 refs (hereinafter "Doerr").

Applicants submit that they conceived of and reduced their invention to practice, as presently claimed, prior to the publication date of Doerr article. In support of this submission, Applicants Christopher Richard Doerr and David S. Levy ✓ enclose an executed Affidavit under 37 CFR 1.131, which declares a conception date for the invention claimed in the above-identified patent application to be before March 23, 2003, and which demonstrates that diligence was exercised toward reducing the invention to practice. In view of this Affidavit, Applicants maintain that the Doerr article is not prior art to Applicants' invention.

Furthermore, Applicants submit that they are co-authors of the article entitled "Cross-connect-type wavelength add-drop node with integrated band muxes, interleavers, and monitor" by *Doerr, Stulz, Levy, Cappuzzo, Gomez,*

445445-1

Serial No.: 10/657,862

Page 6 of 7

Wong-Foy, Chen, Richards, Pafchek, and Bogert, that they are familiar with the disclosure of the Doerr article, that they are co-inventors of the subject matter which is disclosed in the Doerr article, and that the other co-authors of the Doerr article, namely, Stulz, Cappuzzo, Gomez, Wong-Foy, Chen, Richards, Pafchek, and Bogert, were working under their direction to make circuits, and perform other tasks that they directed, in order to reduce the invention to practice on their behalf, and are not co-inventors of the subject matter described therein. In view of this Affidavit, Applicants maintain that the Doerr article is their own work and, therefore, is not prior art to Applicants' invention.

Serial No.: 10/657,862


Page 7 of 7

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 4/6/06

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808